

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Barbara Beerhalter | Chair |
| Cynthia A. Kitlinski | Commissioner |
| Norma McKanna | Commissioner |
| Robert J. O'Keefe | Commissioner |
| Darrel L. Peterson | Commissioner |

In the Matter of the Application of Minnesota
Power and Light Company, Duluth,
Minnesota for Authority to Change Retail
Rates for Electric Utility Service in Minnesota

ISSUE DATE: January 25, 1988

DOCKET NO. E-015/GR-87-223

ORDER VARYING TIME
REQUIREMENTS FOR EXCEPTIONS TO
PART II THE ALJ'S REPORT AND
ESTABLISHING SCHEDULES FOR ORAL
ARGUMENTS

On January 22, 1988, Administrative Law Judge (ALJ) Richard Luis filed Part II of his Findings of Fact, Conclusions and Recommended Order (ALJ's Report) in this matter with the Minnesota Public Utilities Commission (the Commission). Part II of the ALJ's Report addresses rate design issues in this matter. Part I of the ALJ's Report was filed with the Commission on January 18, 1988. On that date the Commission issued its Order Varying Time Requirements for Exceptions to Part I of the ALJ's Report and Establishing Schedules for Oral Arguments.

Under Minnesota Rules, part 7830.3900, parties may file exceptions to the ALJ's Report within 20 days of service of the Report.

Under Minnesota Rules, part 7830.4400, the Commission may vary any of its rules where it appears to the satisfaction of the Commission that enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule, granting the variance would not adversely affect the public interest, and granting the variance would not conflict with standards imposed by law.

The Commission finds that enforcing Minnesota Rules, part 7830.3900, would impose an excessive burden on the Commission and not serve the regulatory process. Minnesota Statutes, § 216B.16 (1986) requires the Commission's Final Order in this case to be issued by March 1, 1988. The number and complexity of the issues in this case demand careful and complete Commission analysis of the record. Allowing parties twenty days to file exceptions to Part II of the ALJ's Report would give the Commission insufficient time to responsibly address these issues and meet the March 1, 1988 statutory deadline.

The Commission finds that varying Minnesota Rules, part 7830.3900, to require exceptions to the Part II of the ALJ's Report to be filed on a shorter deadline will not adversely affect the public

interest but will serve the public interest since it will give the Commission time for careful and thorough deliberation.

Finally, the Commission finds that varying Minnesota Rules, part 7830.3900, will not conflict with standards imposed by law. Minnesota Statutes, § 14.61 (1986) requires that the ALJ's Report be made available to parties for at least ten days before the Commission makes its final decision in a proceeding. That statute also provides parties with an opportunity to file exceptions to the Report and to present oral argument. The purpose of Minnesota Statutes § 14.61 (1986) is served as long as the ALJ's Report is available for at least ten days and an opportunity to file exceptions and present oral argument is made available to all parties.

The Commission concludes that the requirements of Minnesota Rules, part 7830.4400, have been met and will order Minnesota Rules, part 7830.3900, varied. The Commission finds that shortening the time for the filing of exceptions to Part II of the ALJ's Report to February 1, 1988 will aid the Commission and the parties in resolving the issues presented in this matter. Written replies to exceptions will not be entertained. Finally the Commission encourages parties to serve their exceptions to Part II of the ALJ's Report on the Commission and each other by an express mail type of delivery.

ORDER

1. Minnesota Rules, part 7830.3900, is hereby varied as follows: Exceptions to Part II of the ALJ's Report must be delivered to the Commission and served on all parties no later than February 1, 1988.
2. Oral Argument on rate design issues will be held at 9:00 a.m. on Thursday, February 11, 1988 in the Commission's Large Hearing Room, 715 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101. The parties will be allowed time for Oral Argument, including rebuttal as follows:

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| Minnesota Power & Light Company | 20 Minutes |
| Office of Attorney General | 10 Minutes |
| Department of Public Service | 15 Minutes |
| Hibbing Taconite et al | 10 Minutes |
| Superwood et al | 10 Minutes |
| Potlatch | 10 Minutes |
| Eveleth Mines | 10 Minutes |

Senior Citizen Coalition
of Northeastern Minnesota

10 Minutes

Lake Superior Paper Industries

5 Minutes

Boise Cascade Corporation
and Blandin Paper Company

10 Minutes

3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)